

Senate File 43

SENATE FILE _____
BY APPEL, BOLKCOM, HATCH,
DVORSKY, McCOY, CONNOLLY,
and DOTZLER

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to human growth and development and health
2 education under the education standards, authorizing school
3 districts and nonpublic schools to provide comprehensive
4 sexual health education, and establishing related duties for
5 the director of the department of education.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
7 TLSB 1954SS 82
8 kh/gg/14

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1 1 Section 1. Section 256.9, Code 2007, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 40. Prepare and make available to school
1 4 districts and accredited nonpublic schools courses of
1 5 instruction that meet the requirements of section 280.28. The
1 6 director shall set forth standards and criteria for
1 7 professional development related to these courses of
1 8 instruction for school districts, accredited nonpublic
1 9 schools, area education agencies, and practitioner preparation
1 10 programs which encourage cooperative planning and voluntary
1 11 professional development for all school personnel that provide
1 12 health, human growth and development, or family education and
1 13 request the training, through regional planning, joint powers
1 14 agreements, or contract services; and which provide for
1 15 periodic, voluntary, professional development training to
1 16 update school personnel regarding new developments in health,
1 17 human growth and development, or family education. The
1 18 director shall also develop a procedure for evaluating human
1 19 growth and development, health education, and family life
1 20 curricula in each school district and accredited nonpublic
1 21 school offering comprehensive sexual health education in order
1 22 to determine compliance with the provisions of section 280.28.
1 23 Sec. 2. Section 256.11, subsections 3 and 4, Code 2007,
1 24 are amended to read as follows:
1 25 3. The following areas shall be taught in grades one
1 26 through six: English=language arts, social studies,
1 27 mathematics, science, health, age=appropriate and
1 28 science=based human growth and development, physical
1 29 education, traffic safety, music, and visual art. The health
1 30 curriculum shall include the characteristics of communicable
1 31 diseases including acquired immune deficiency syndrome. The
1 32 state board as part of accreditation standards shall adopt
1 33 curriculum definitions for implementing the elementary
1 34 program.
1 35 4. The following shall be taught in grades seven and
2 1 eight: English=language arts; social studies; mathematics;
2 2 science; health; age=appropriate and science=based human
2 3 growth and development, family, consumer, career, and
2 4 technology education; physical education; music; and visual
2 5 art. The health curriculum shall include age=appropriate and
2 6 science=based information regarding the characteristics of
2 7 sexually transmitted diseases and acquired immune deficiency
2 8 syndrome. The state board as part of accreditation standards
2 9 shall adopt curriculum definitions for implementing the
2 10 program in grades seven and eight. However, this subsection
2 11 shall not apply to the teaching of family, consumer, career,
2 12 and technology education in nonpublic schools.
2 13 Sec. 3. Section 256.11, subsection 5, paragraph j, Code
2 14 2007, is amended to read as follows:
2 15 j. One unit of health education which shall include

2 16 personal health; food and nutrition; environmental health;
2 17 safety and survival skills; consumer health; family life;
2 18 age=appropriate and science=based human growth and
2 19 development; substance abuse and nonuse; emotional and social
2 20 health; health resources; and prevention and control of
2 21 disease, including age=appropriate and science=based
2 22 information regarding sexually transmitted diseases, including
2 23 HPV and the availability of a vaccine, and acquired immune
2 24 deficiency syndrome.

2 25 Sec. 4. NEW SECTION. 280.28 SEXUAL HEALTH EDUCATION
2 26 AUTHORIZED.

2 27 1. The board of directors of each school district and the
2 28 authorities in charge of each nonpublic school may provide
2 29 age=appropriate, science=based, comprehensive sexual health
2 30 education as part of the health, human growth and development,
2 31 or family education curriculum taught in accordance with
2 32 section 256.11.

2 33 2. The school district or school may train school
2 34 personnel or contract with consultants who have expertise in
2 35 comprehensive sexual health education to deliver the
3 1 instruction authorized by this section.

3 2 3. Whether taught by school district or school personnel
3 3 or by outside consultants, the comprehensive sexual health
3 4 education provided in accordance with subsection 1 shall meet
3 5 all of the following criteria:

3 6 a. Instruction and materials used shall be age=
3 7 appropriate.

3 8 b. All factual information presented shall be science=
3 9 based and objective.

3 10 c. Instruction for a student who is limited English
3 11 proficient shall be as required pursuant to section 280.4, and
3 12 shall be consistent with the existing curriculum and
3 13 alternative options for a student who is limited English
3 14 proficient.

3 15 d. Instruction and materials shall meet all of the
3 16 following conditions:

3 17 (1) Are appropriate for use with students of all ethnic
3 18 and racial groups, sexual orientations, genders, and physical
3 19 and mental abilities.

3 20 (2) Are accessible to students with disabilities,
3 21 including but not limited to the provision of a modified
3 22 curriculum, materials, and instruction in alternative formats,
3 23 and auxiliary aids.

3 24 (3) Encourage a student to communicate with the student's
3 25 parent or guardian about human sexuality.

3 26 (4) Teach students to recognize unwanted physical and
3 27 verbal sexual advances, not to make unwanted physical and
3 28 verbal sexual advances, and how to effectively reject unwanted
3 29 sexual advances. The instruction and materials shall cover
3 30 verbal, physical, and visual sexual harassment, including
3 31 nonconsensual sexual advances, nonconsensual physical sexual
3 32 contact, and rape by an acquaintance or family member. The
3 33 course information and materials shall emphasize personal
3 34 accountability and respect for others and shall also encourage
3 35 youth to resist peer pressure.

4 1 (5) Teach that it is wrong to take advantage of or exploit
4 2 another person.

4 3 (6) Teach students about counseling, medical, and legal
4 4 resources available to survivors of sexual abuse and sexual
4 5 assault, including resources for escaping violent
4 6 relationships.

4 7 (7) Teach, commencing in grade seven, the following:

4 8 (a) The value of abstinence, that abstinence from sexual
4 9 intercourse is the only certain way to prevent unintended
4 10 pregnancy, that abstinence from sexual activity is the only
4 11 certain way to prevent sexually transmitted diseases, and
4 12 provide science=based information on other methods of
4 13 preventing pregnancy and sexually transmitted diseases and
4 14 HIV.

4 15 (b) About sexually transmitted diseases, including how
4 16 sexually transmitted diseases are and are not transmitted, the
4 17 effectiveness and safety of all federal food and drug
4 18 administration=approved methods of reducing the risk of
4 19 contracting sexually transmitted diseases, and identify local
4 20 resources for testing and medical care for sexually
4 21 transmitted diseases and HIV.

4 22 (c) About HPV as a sexually transmitted disease that can
4 23 lead to cervical cancer, and about the availability of a
4 24 vaccine to prevent HPV.

4 25 (8) Provide, commencing in grade seven, the following:

4 26 (a) Data regarding the effectiveness and safety of all

4 27 federal food and drug administration=approved contraceptive
4 28 methods in preventing pregnancy, including but not limited to
4 29 emergency contraception.
4 30 (b) Students with skills for making and implementing
4 31 responsible decisions about sexuality.
4 32 4. If the board of directors of a school district or the
4 33 authorities in charge of a nonpublic school elect not to
4 34 provide comprehensive sexual health education in accordance
4 35 with subsection 1, the school district or school shall, at the
5 1 beginning of each school year, send a notice to the parent or
5 2 guardian of each student enrolled in the school district or
5 3 school that explains all of the following:

5 4 a. That the state authorizes age=appropriate,
5 5 science=based, comprehensive sexual health education in
5 6 kindergarten through grade twelve.
5 7 b. The criteria for comprehensive sexual health education
5 8 set forth in subsection 3.
5 9 c. That comprehensive sexual health education is not being
5 10 offered to the student.

5 11 5. Each student enrolled in a school district that elects
5 12 to provide comprehensive sexual health education under this
5 13 section shall be required to take comprehensive sexual health
5 14 education instruction unless the parent or guardian files with
5 15 the appropriate principal a written request that the student
5 16 be excused from the instruction.

5 17 6. For purposes of this section and section 256.11, unless
5 18 the context otherwise requires:

5 19 a. "Age=appropriate" means topics, messages, and teaching
5 20 methods suitable to particular ages or age groups of children
5 21 and adolescents, based on developing cognitive, emotional, and
5 22 behavioral capacity typical for the age or age group.

5 23 b. "HIV" means HIV as defined in section 141A.1.

5 24 c. "HPV" means human papilloma viruses as defined by the
5 25 centers for disease control and prevention of the United
5 26 States department of health and human services.

5 27 d. "Science=based" means all of the following:

5 28 (1) Complete information that is verified or supported by
5 29 the weight of research conducted in compliance with accepted
5 30 scientific methods; recognized as accurate and objective by
5 31 leading professional organizations and agencies with relevant
5 32 expertise in the field, such as the American college of
5 33 obstetricians and gynecologists, the American public health
5 34 association, and the American academy of pediatrics; and
5 35 published in peer-reviewed journals where appropriate.

6 1 (2) Information that is free of racial, ethnic, sexual
6 2 orientation, and gender biases.

6 3 EXPLANATION

6 4 This bill requires that the educational program which
6 5 school districts and accredited nonpublic schools provide
6 6 include, in the human growth and development areas and the
6 7 health curriculum or health education unit, age=appropriate
6 8 and science=based information; permits school districts and
6 9 accredited nonpublic schools to offer comprehensive sexual
6 10 health education in kindergarten through grade 12; and
6 11 requires the director of the department of education to
6 12 prepare and make available to school districts and accredited
6 13 nonpublic schools courses of instruction in comprehensive
6 14 sexual health education, and to set forth standards and
6 15 criteria for professional development which education
6 16 institutions may use in preparing practitioners to teach
6 17 comprehensive sexual health education.

6 18 The bill specifies that the standards and criteria for
6 19 professional development set forth by the director must
6 20 encourage cooperative planning and voluntary professional
6 21 development for all school personnel that provide health,
6 22 human growth and development, or family education, and request
6 23 the training; and provide for periodic, voluntary,
6 24 professional development training to update school personnel
6 25 regarding new developments in health, human growth and
6 26 development, or family education. The director is also
6 27 required to develop a procedure for evaluating human growth
6 28 and development education, health education, and family life
6 29 curricula in each school district and accredited nonpublic
6 30 school offering comprehensive sexual health education.

6 31 The bill authorizes school districts and accredited
6 32 nonpublic schools to provide age=appropriate, science=based,
6 33 comprehensive sexual health education as part of the health,
6 34 human growth and development, or family education curriculum
6 35 under the educational standards in kindergarten through grade
7 1 12, and permits the school districts and schools to train
7 2 school personnel or contract with consultants to deliver the

7 3 instruction. However, the bill establishes criteria for the
7 4 information and materials that schools must adhere to when
7 5 providing the instruction. A student enrolled in a school
7 6 district is required to take the instruction unless the
7 7 student's parent or guardian files with the principal a
7 8 written request to excuse the student from the instruction.
7 9 If a school district or nonpublic school elects not to
7 10 provide comprehensive sexual health education as set forth in
7 11 the bill, the school district or school must, at the beginning
7 12 of each school year, send a notice to the parent or guardian
7 13 of each student enrolled in the school district or school that
7 14 explains that the state authorizes comprehensive sexual health
7 15 education, the criteria for comprehensive sexual health
7 16 education, and that comprehensive sexual health education is
7 17 not being offered to the student.
7 18 LSB 1954SS 82
7 19 kh:nh/gg/14